

Honolulu, Hawaii

February 14, 2014

RE: H.B. No. 2301

H.D. 1

Honorable Joseph M. Souki
Speaker, House of Representatives
Twenty-Seventh State Legislature
Regular Session of 2014
State of Hawaii

Sir:

Your Committee on Health, to which was referred H.B. No. 2301
entitled:

"A BILL FOR AN ACT RELATING TO FORENSIC MENTAL HEALTH,"

begs leave to report as follows:

The purpose of this measure is to establish a one year limit that an individual, acquitted by means of mental health condition, can remain on post-acquittal conditional release, when the offense charged was a non-violent petty misdemeanor, misdemeanor, or violation.

The Department of Public Safety testified in support of this measure. An individual testified in opposition to this measure. The Department of Health, Hawaii Disability Rights Center, and Department of the Prosecuting Attorney of the City and County of Honolulu provided comments.

Your Committee notes that several concerns were raised by the Department of the Prosecuting Attorney of the City and County of Honolulu regarding mental fitness examinations. Should the Committee on Judiciary choose to consider this measure, your Committee respectfully requests that this issue, especially in the context of the number and type of examiners, be addressed.



Your Committee has amended this measure by:

- (1) Amending forensic examination requirements and procedures for those charged with class A, B, and C felonies, as well as nonfelonies;
- (2) Authorizing the Department of Public Safety to transfer individuals who require a level of mental health care exceeding a care level capable of being provided by the Department of Public Safety to Department of Health treatment facilities;
- (3) Changing its effective date to July 1, 2014; and
- (4) Making technical, nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Health that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2301, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2301, H.D. 1, and be referred to the Committee on Judiciary.

Respectfully submitted on
behalf of the members of the
Committee on Health,



DELLA AU BELATTI, Chair



State of Hawaii
House of Representatives
The Twenty-seventh Legislature

HSCR 501-14

Record of Votes of the Committee on Health

Bill/Resolution No.: HB 2301	Committee Referral: HLT, JUD	Date: 2/12/14		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
HLT Members	Ayes	Ayes (WR)	Nays	Excused
1. BELATTI, Della Au (C)	✓			
2. MORIKAWA, Dee (VC)	✓			
3. CARROLL, Mele				✓
4. CREAGAN, Richard	✓			
5. HASHEM, Mark J.	✓			
6. JORDAN, Jo		✓		
7. KOBAYASHI, Bertrand	✓			
8. OSHIRO, Marcus R.	[Signature]			✓
9. WOODSON, Justin H.	✓			
10. MATSUMOTO, Lauren Kealohilani	✓			
TOTAL (10)	7	1		2
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. <div style="text-align: center; font-size: 0.8em;">committee acronym(s)</div>				
Vice Chair's or designee's signature:				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				